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WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO: B-196133 (RLR)

DO NOT MAKE AVAILABLE TO public reading

JAN 2 1980

Mr. Robert C. Fox
Claims Representative
Dubuque D.O.
P.O. Building, Room 332
Dubuque, Iowa 52001

Dear Mr. Fox:

This replies to your letter of September 17, 1979, questioning the propriety of and requesting our comments on case No. 5, Chapter IV, SSA Guide 4-1, page 23. This case is as follows:

"Case No. 5

"SSA contact stations are located away from their district and branch office to provide service to the public. A representative may appear at a contact station on a weekly or monthly basis and public service policy requires that all people calling at the contact station be taken care of since many of them may have driven a substantial distance for the service. As a result, the field representative may have to work overtime at the contact station as well as drive back to his official duty station after the normal workday.

"Determination

"Although the number of people calling at a contact station cannot be controlled or scheduled, the contact station hours can be scheduled. The employee is entitled to overtime pay for the actual overtime hours worked, but not for the travel time in returning to his residence."

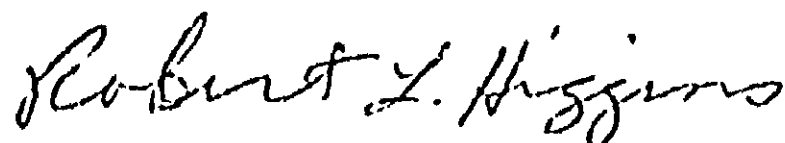
It is your view that time spent in return travel to your official duty station after overtime work at a contact station should be construed as work time and compensable because you carry with you files, forms, claim folders etc.

B-196133

The governing provision of law is 5 U.S.C. § 5542(b)(B)(i) which provides that time spent in a travel status away from the official duty station is not hours of employment unless the travel involves the performance of work while traveling. Decisions of the Comptroller General interpreting this provision have held that transporting files and documents incident to travel generally does not constitute the performance of work while traveling and does not make the travel time compensable. See B-178458, June 22, 1973, and B-181632, April 1, 1975, copies enclosed.

In view of the foregoing, case No. 5 appears to be in accord with the governing authorities. However, if you believe you have a claim for additional compensation, you may file it in accordance with the procedures set forth in part 31 of title 4, Code of Federal Regulations. Please note that it is recommended that claims originally be filed with the agency of whose activities they arose, unless the statutory period of limitation (6 years) is about to expire. In that case claims should be filed directly with the General Accounting Office.

Sincerely yours,



Robert L. Higgins
Assistant General Counsel

Enclosures